

**MURRAY, BURNS AND KIENLEN**

A Corporation  
1616 29th Street, Suite 300  
Sacramento, California 95816  
Telephone (916) 456-4400  
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**TRANSMITTAL MEMORANDUM**

July 1, 1998

**To:** CALFED Bay-Delta Program

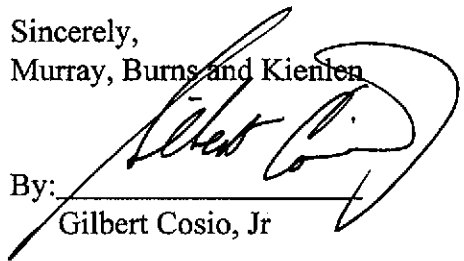
**From:** Gilbert Cosio, Jr.  
Murray, Burns and Kienlen

**Subject:** Transmittal of 1998 Proposal Solicitation Package -- Boeger Family Farms

In accordance with specifications described in the "Proposal Solicitation Package, May 1998, Ecosystem Restoration Projects and Programs", transmitted on behalf of Boeger Family Farms are the ten (10) copies of their Proposal regarding the **"Fish Screen Phase II: Construction"**.

If you have any questions, or require additional information, please call me at (916) 456-4400.

Sincerely,  
Murray, Burns and Kienlen

By:   
Gilbert Cosio, Jr

cc: Boeger Family Farms

## May 1998 CALFED ECOSYSTEM RESTORATION PROPOSAL SOLICITATION

Proposal Title: Boeger Family Farms Fish Screen Phase II: Construction  
 Applicant Name: Boeger Family Farms c/o Matt Boeger  
 Mailing Address: 891 Hazel Street, Gridley, CA 95948  
 Telephone: (530) 846-6203  
 Fax: (530) 846-3118

Amount of funding requested: \$ 139,500 for 3 years

Indicate the Topic for which you are applying (check only one box). Note that this is an important decision: see page \_\_ of the Proposal Solicitation Package for more information.

- |   |   |
|---|---|
| <input type="checkbox"/> Fish Passage Assessment  | <input checked="" type="checkbox"/> Fish Passage Improvements |
| <input type="checkbox"/> Floodplain and Habitat Restoration                               | <input type="checkbox"/> Gravel Restoration                   |
| <input type="checkbox"/> Fish Harvest   | <input type="checkbox"/> Species Life History Studies         |
| <input type="checkbox"/> Watershed Planning/Implementation                                | <input type="checkbox"/> Education                            |
| <input type="checkbox"/> Fish Screen Evaluations - Alternatives and Biological Priorities |   |

Indicate the geographic area of your proposal (check only one box):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Sacramento River Mainstem   | <input type="checkbox"/> Sacramento Tributary: _____      |
| <input type="checkbox"/> Delta                                  | <input type="checkbox"/> East Side Delta Tributary: _____ |
| <input type="checkbox"/> Suisun Marsh and Bay                   | <input type="checkbox"/> San Joaquin Tributary: _____     |
| <input type="checkbox"/> San Joaquin River Mainstem             | <input type="checkbox"/> Other: _____                     |
| <input type="checkbox"/> Landscape (entire Bay-Delta watershed) | <input type="checkbox"/> North Bay: _____                 |

Indicate the primary species which the proposal addresses (check no more than two boxes):

- |  |   |
|--|---|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon |   |
| <input checked="" type="checkbox"/> Winter-run chinook salmon                                | <input type="checkbox"/> Spring-run chinook salmon  |
| <input type="checkbox"/> Late-fall run chinook salmon  | <input type="checkbox"/> Fall-run chinook salmon    |
| <input type="checkbox"/> Delta smelt   | <input type="checkbox"/> Longfin smelt              |
| <input type="checkbox"/> Splittail   | <input checked="" type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Green sturgeon  | <input type="checkbox"/> Striped bass               |
| <input type="checkbox"/> Migratory birds   |   |

May 1998 CALFED ECOSYSTEM RESTORATION PROPOSAL SOLICITATION

Indicate the type of applicant (check only one box):

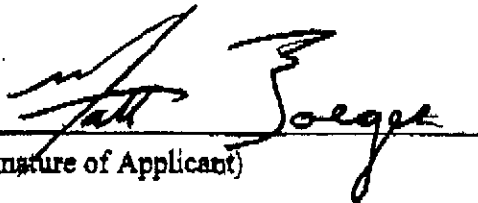
- |  |   |
|--|---|
| <input type="checkbox"/> State agency                    | <input type="checkbox"/> Federal agency           |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit               |
| <input type="checkbox"/> Local government/district       | <input checked="" type="checkbox"/> Private party |
| <input type="checkbox"/> University                      | <input type="checkbox"/> Other: _____             |

Indicate the type of project (check only one box):

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Planning   | <input checked="" type="checkbox"/> Implementation |
| <input type="checkbox"/> Monitoring | <input type="checkbox"/> Education                 |
| <input type="checkbox"/> Research   |  |

By signing below, the applicant declares the following:

- (1) the truthfulness of all representations in their proposal;
- (2) the individual signing the form is entitled to submit the application on behalf of the applicant (if applicant is an entity or organization); and
- (3) the person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section II.K) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

  
(Signature of Applicant)

## EXECUTIVE SUMMARY

Boeger Family Farms Fish Screen  
Phase II: Construction

Applicant: Boeger Family Farms

### **Project Description & Primary Biological/Ecological Objectives:**

Anadromous fish use the mainstem Sacramento River as a thoroughfare between spawning grounds in the upper-reaches of the river to the Pacific Ocean where they grow to full-adult size. Two years later, as full-size adults, they return to the upper reaches to spawn. Species such as steelhead and chinook salmon spawn in gravel beds near Redding and outmigrate down the Sacramento River as juveniles and smolts. During their period of outmigration, hundreds of agriculture farmers are diverting water from unscreened or poorly screened diversions. Unscreened diversions have been suspected of being a significant source of mortality for steelhead and chinook salmon.

Boeger Family Farms recognizes the importance of screening diversions and proposes to install fish screens on its slant pump on the Sacramento River near Colusa. The fish screen would reduce entrainment of CALFED priority species at the diversion site; priority species that include steelhead and various chinook salmon runs, including winter-run, spring-run and late-fall run.

At present, Boeger Family Farms is preparing a feasibility report on screen alternatives. The report is expected to be completed by October 1998, prior to execution of any contract for the current proposal.

### **Approach/Tasks/Schedule:**

Completion of the proposed project would involve the following tasks:

Engineering Design	11/1/98 - 3/31/99
Biological Consultation	11/1/98 - 3/31/99
Regulatory Permits and Consultation	11/1/98 - 3/31/99
Construction	4/1/99 - 4/30/99
Post-Project Monitoring & Reporting	4/30/99 - 11/31/02

### **Justification:**

The proposed project addresses one of CALFED's stressor categories (Entrainment), benefits multiple high priority species, is consistent with CALFED's long term objectives, and has no third-party or redirected impacts. Funding is requested for 50% of the anticipated construction costs, pursuant to limitations presented in the PSP. Boeger Family Farms will pursue the remainder of the funding from sources such as CVPIA, Family Water Alliance, and NRCS.

### **Budget Costs:**

The estimated cost for completing the project is shown below based on cost at similar sized diversions. A final cost estimate will be available once a preferred fish screen is selected.

Engineering & Design	--	\$ 20,000
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Biological Consultation	--	\$ 8,000
Regulatory Permits & Consultation	--	\$ 20,000
Construction	--	\$182,000
Post-project Monitoring & Reporting	--	\$ 49,000
Total	--	\$279,000
Request from CALFED (50%)	--	\$139,500

**Third Party Impacts:**

There are no anticipated third party impacts associated with the project.

**Applicant Qualifications:**

This proposal is submitted by Murray, Burns and Kienlen, Consulting Civil Engineers of Sacramento, California, on behalf of Boeger Family Farms. MBK has been retained to secure CALFED funding, engineering design, post-project monitoring and procurement of any subcontracts.

MBK is a consulting civil engineering firm whose main emphasis is water resources. Its three main areas of specialization include water supply planning, flood control and water rights. MBK represents many water diverters located in the Sacramento/San Joaquin Delta watershed. This association has resulted in MBK personnel involvement in many existing and planned fish screening facilities. The services provided include feasibility design and environmental/regulatory. The list of projects includes Pelger Mutual Water Company, Deseret Farms Wilson Ranch, Maxwell Irrigation District, Lower Joice Island, Thousand Acre Ranch, Browns Valley Irrigation District and King Island.

**Monitoring and Data Evaluation:**

The monitoring program for the fish screen at Boeger Farms will be focused on evaluating both hydraulic and biological criteria. These criteria include the following: 1) does the hydraulic performance of the screen match design/regulatory requirements; and 2) is the screen successfully excluding/diverting the species of concern from the water diversions?

Hydraulic performance will be assessed by evaluating approach velocities and sweeping velocities under a range of flow conditions. Biological sampling will be conducted behind the fish screen once during the spring, summer, and early fall diversion period in the year after installation of the screen. A technical report will be prepared after the irrigation season, itemizing the results of the hydraulic and biological monitoring. Annual reports will provide and general information on screen performance, maintenance needs, etc. for 3 years.

**Local Support/Coordination With Other Program/Compatibility with CALFED**

The final design and specifications of the fish screen would incorporate advice from DFG, USFWS, and NMFS for expedient permit approval. Permits or approvals will be obtained from the Corps of Engineers Nationwide, CDFG (Streambed Alteration Agreement), and the Central Valley Regional Water Quality Control Board. Cost share by Boeger Family Farms would be through of long-term operation and maintenance of the fish screen and in-kind services during post-project monitoring.share by Boeger Family Farms would be means of long-term operation and maintenance of the fish screen and in-kind services during post-project monitoring.

**Boeger Family Farms Fish Screen  
Phase II: Construction**

*Topic:*

Fish Passage and Related Screen Improvements

*Applicant:*

Boeger Family Farms  
c/o Matt Boeger  
891 Hazel Street  
Gridley, California 95948

Telephone: (530) 846-6203 Fax: (530) 846-3118

Applicant Type: Private  
Tax I.D. 68-017-9833

## I. Project Description

### **Project Description and Approach**

Boeger Family Farms proposes to install fish screens on its slant pump diverting water from the Sacramento River in Colusa County. The slant pump irrigates approximately 640 acres along the left bank of the Sacramento River near river mile 149 and has a pumping capacity of approximately 22 cfs (Figure 1 & 2)

The principal objective of this project is to reduce entrainment losses of chinook salmon and other priority species in the Sacramento River. To accomplish this objective, the existing slant pump would be outfitted with a passive fish screen system and a conventional cleaning system. At present, a preferred fish screen design has not been selected. Boeger Family Farms was awarded a 1997 Category III RFP contract (A319) to complete a feasibility study (Phase I) to evaluate different fish screen alternatives. The feasibility study is not complete at this time, but is expected to be completed by October 1998.

### **Proposed Scope of Work**

The proposed project is being implemented in two phases. The first phase is the feasibility study currently being funded by CALFED. The second phase will be project construction, following conclusion of the feasibility study and presuming a feasible and effective screen design is developed. This proposal is for the second phase of the project as follows:

1. **Engineering Design** - This includes the final design of the fish screen and any necessary civil works, preparation of plans and specifications for construction, contract administration and construction inspection/monitoring.
2. **Biological Consultation** - Includes the biological evaluation of fish screen design, consultation with resource agencies, site assessment and refinement of technical and biological monitoring.
3. **Final CEQA documentation and permitting** - Finalizing the draft Initial Study produced during the feasibility study, and finalizing the negative declaration. Informal consultation with NMFS and USFWS regarding Section 7 of the ESA. Prepare applications for permits from Corps, DFG, SWRCB and The Reclamation Board and prepare correspondence & comments until permits are secured.
4. **Construction** - Bid, award, and administer contracts to construct fish screen and civil works.
5. **Post-Project Monitoring & Reporting** - Hydraulic performance monitoring, one year of biological monitoring, three years of annual project and screen performance reports, quarterly reports, annual presentations.

### **Location and Geographic Boundaries**

The project is located along the left bank of the Sacramento River near river mile 149 in Colusa County (Figure 1).

### **Expected Benefits**

The proposed project will address one major ecosystem stressor category ("Alteration of Flows and Other Effects of Water Management") and will specifically address the stressor subcategory of entrainment. By reducing entrainment, passage of anadromous fish through the Sacramento River will be improved. Fish screens are an effective and proven mechanism for reducing entrainment losses, and construction of a screen at the Boeger Farms diversion will lead to greater protection of priority fish species identified in the PSP. Fish species that will benefit from the project include the threatened Central Valley steelhead and all runs of chinook salmon, including the endangered winter run, and proposed as endangered spring run and proposed as threatened fall run.

### **Background and Ecological/Biological/Technical Justification**

Entrainment of fish into agricultural diversions along the mainstem of the Sacramento River is suspected of being a significant source of mortality for chinook salmon, since many of the diversions are unscreened or poorly screened. The large number of diversions represents a potential threat to steelhead and chinook salmon populations during the rearing and smolt outmigration periods, particularly since the irrigation season overlaps with periods when juvenile salmonids are liable to be present and most vulnerable to entrainment. In addition, the siting of diversion intakes may sometimes increase entrainment risk if the intake is located in near-shore, shallow areas that many fish species tend to use as rearing habitat. Installation of a fish screen at the Boeger Farms diversion will have tangible benefits to the ecosystem by reducing mortality of priority species that include the threatened Central Valley steelhead and various chinook salmon runs, including winter-run, spring-run, and late-fall run.

The benefit of a fish screen at the Boeger Farms diversion has already been noted by CALFED, as evidenced by CALFED selection of the Boeger Farms fish screen feasibility study proposal under the 1997 Category III RFP process. A contract for that work is currently being finalized, and the feasibility study is expected to be complete by the date that this current proposal could be selected for funding by CALFED. Beginning the funding process now for this current proposal will help minimize delays in construction of the fish screen, leading to a more rapid solution for entrainment problems at this diversion.

There are no particularly viable alternatives for reducing entrainment other than building a fish screen. The no-action alternative would lead to continued salmon and steelhead losses. The best screen design among various alternatives will be evaluated in the feasibility study.

The primary benefit of the project is the reduction of direct fish mortality associated with entrainment. This project is consistent with the Ecosystem Restoration Program Plan (ERPP) objective to reduce stressors related to water diversions (Target 1 regarding entrainment, page

151). In addition, the project is consistent with section 3406(b)(21) of the CVPIA, which addresses the Anadromous Fish Screen Program.

### **Monitoring and Data Evaluation**

The monitoring program for the fish screen at Boeger Farms will be focused on evaluating both hydraulic and biological criteria. These criteria include the following: 1) does the hydraulic performance of the screen match design/regulatory requirements; and 2) is the screen successfully excluding/diverting the species of concern from the water diversions?

Hydraulic performance will be assessed by evaluating approach velocities and sweeping velocities under a range of flow conditions. Acceptable approach velocities at the screen are expected to be  $\leq 0.33$  feet per second. Maintaining a suitably low approach velocity is important to avoid impingement of fish on the screen. Approach velocity will be measured by a 3-dimensional electromagnetic flow meter probe or acoustic meter along grid pattern, perpendicular to the screen face and approximately three inches in front of the screen surface.

Sweeping velocities across the face of the screen are important to move fish away from the diversion as quickly as possible, thereby providing little opportunity for entrainment or impingement. Sweeping velocities should be twice the approach velocity, and will be measured with the same current meter used for approach velocities. Measurements will be conducted parallel and adjacent to the screen face. A range of measurement locations will be used in order to depict velocity isopleths in the vicinity of the screen.

Biological sampling will be conducted behind the fish screen once during the spring, summer, and early fall diversion period after installation of the screen, and any captured species identified, counted, and measured. Biological sampling will utilize a fyke net and live box that can be attached directly to the downstream end of the diversion. The net will be continuously operated during water diversion over 2-3 days for each seasonal sampling period.

A brief technical report will be prepared each year after the irrigation season, itemizing the results of the hydraulic/biological monitoring (first year), and general information on screen performance, maintenance needs, etc. (first 3 years).

### **Presentations and Reporting**

In addition to the biological and hydraulic/construction monitoring, the following presentations and other monitoring reports are included in this proposal.

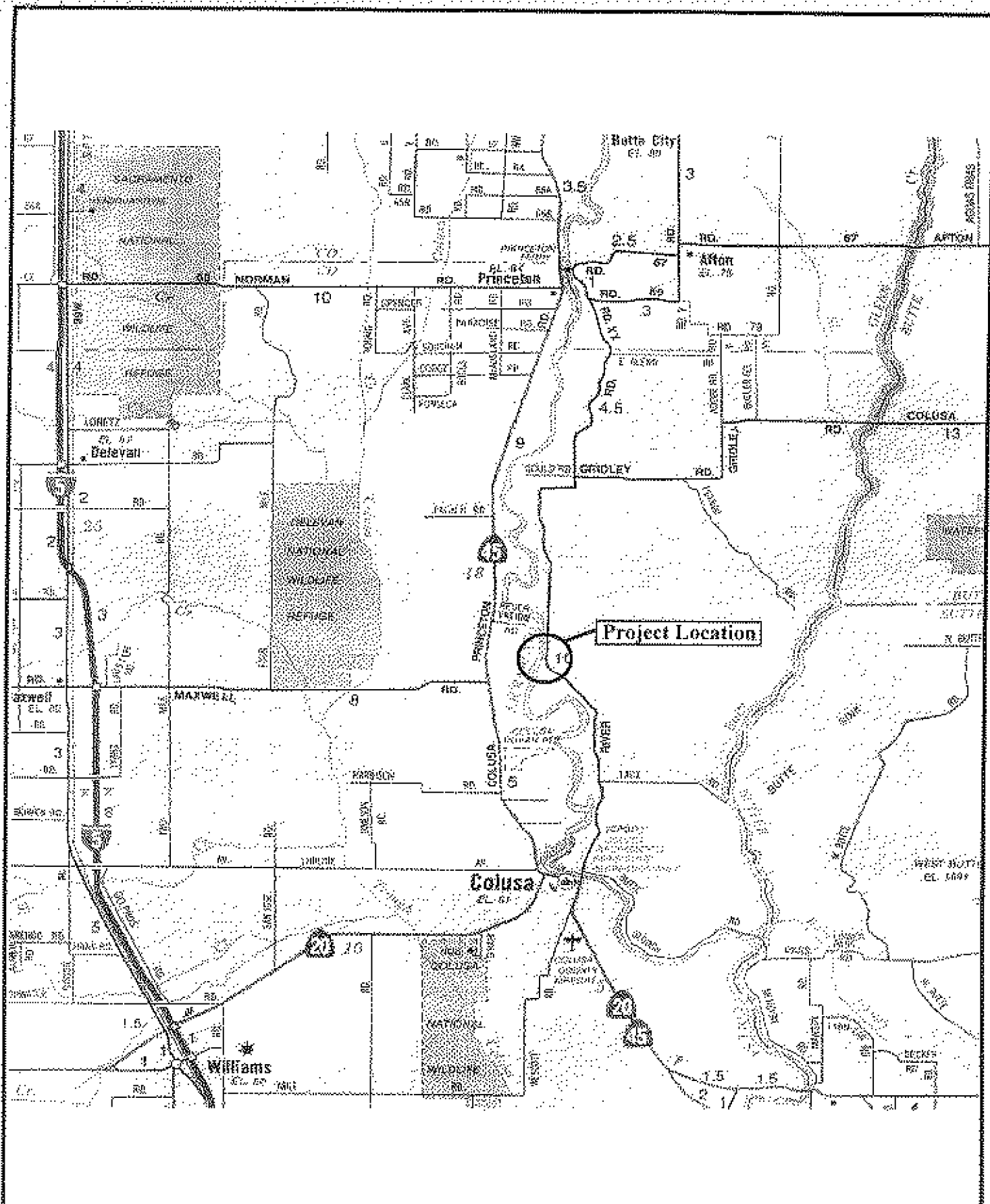
- **Program review presentations.** A maximum of two (2) annual review presentations will be made to share information with CALFED or other agency staff and interested parties regarding the progress and results of the project.
- **Quarterly reporting.** Quarterly reports will be submitted by the 10th of the month following the end of each quarter. The reports will include: amount invoiced to the

contracting agency and cost share partners, a description of activities performed during the quarter, the percentage of each task completed, the deliverables produced, problems and delays encountered, and a description of any amendments or modifications to the contract.

- **Annual monitoring report.** A maximum of two (2) annual monitoring reports will be prepared that present the findings and address whether the monitoring objectives have been achieved. Data will be provided in electronic format and be available for transfer to CALFED's data storage system. The format of the report will include an introduction, methods, results of current vs. previous monitoring, discussion, and adaptive management recommendations.
- **Final report.** A final report will be prepared on the project, and will include the monitoring results and other information as appropriate.

### **Implementability**

Regulatory permits for the proposed project will be obtained prior to construction. The project will be performed under Corps of Engineers individual or general permit. Other permits required will be CDFG streambed alteration agreement, water quality certification from SWRCB and a Reclamation Board permit if work is done on the levee. It is anticipated that, the installation of the fish screen will have no significant impact upon the vegetative and aquatic resources and water quality; therefore, no mitigation is planned or required. The preferred fish screen design will adopt technically sound and proven components and will meet current screening criteria by NMFS and CDFG.



## Location Map

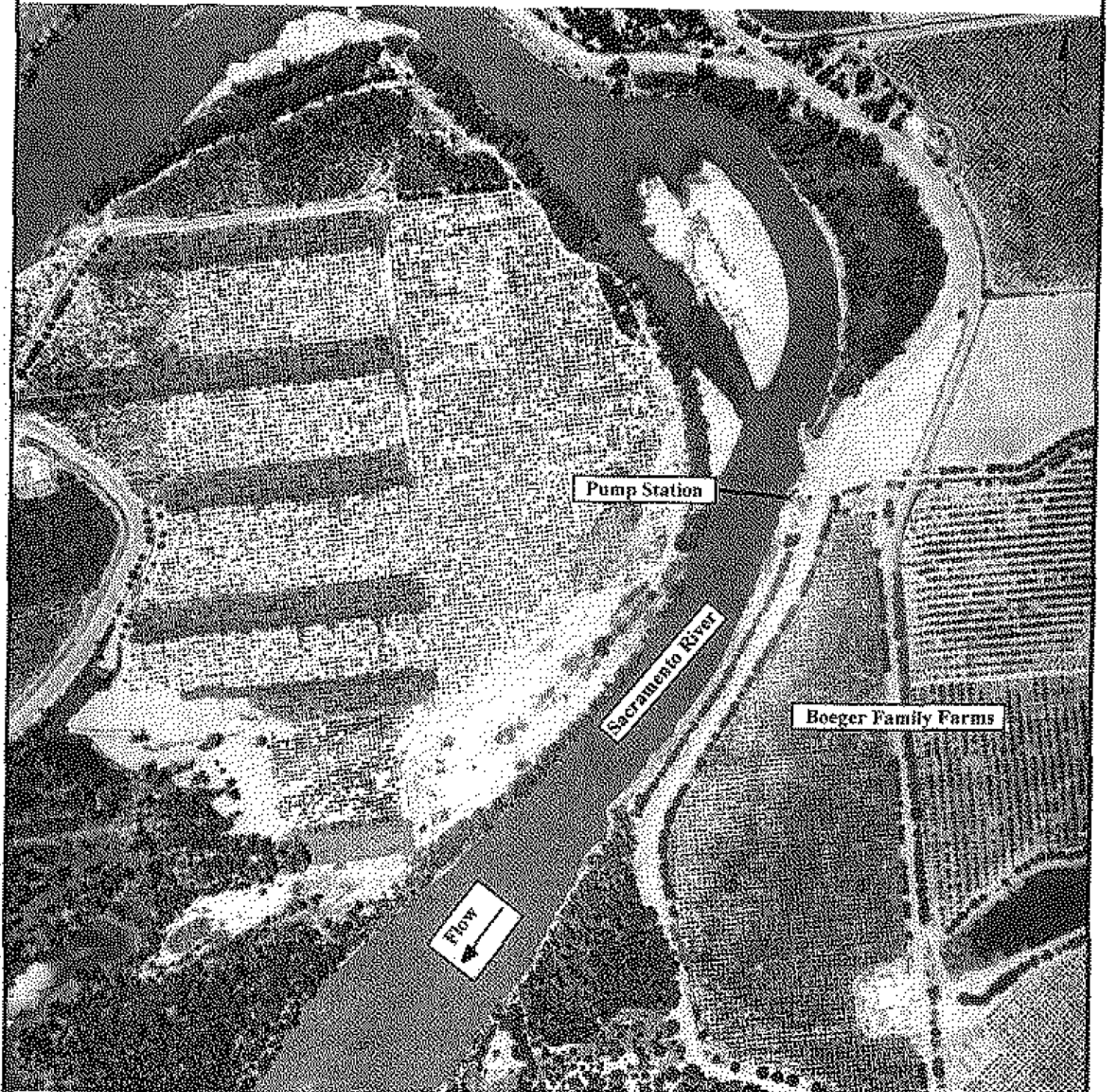
## Boeger Family Farms Fish Screen Project


Date

Sheet  
1 of 2



MURRAY, BURNS & KIENLEN - Consulting Civil Engineers  
1616 29th Street Ste 300, Sacramento CA 95816 • (916) 456-4400



<p><b>Site Map</b></p>	<p><b>Boeger Family Farms</b> Fish-Screen Project</p>	<p>Date</p>
<p> MURRAY, BURNS &amp; KIENLEN - Consulting Civil Engineers 1616 29th Street Ste 300, Sacramento CA 95816 - (916) 436-4200</p>		<p>Sheet 2 of 2</p>

## II. Costs and Schedule

### **Budget**

The proposed budget for the project is presented in Table 1. Since a preferred fish screen design has not been selected yet, the costs shown in Table 1 are estimates based on cost at other similar sized diversions. It is anticipated that a final cost estimate will be available by October 1998. Boeger Family Farms plans to pursue other funding sources such as CVPIA, Family Water Alliance, and NRCS. Cost share by Boeger Family Farms would be means of long-term operation and maintenance of the fish screen and in-kind services during post-project monitoring.

**Table 1**

<b>Engineering Design, Construction and Post-Project Monitoring</b>								
	<b>Task</b>	<b>Direct Labor Hours</b>	<b>Direct Salary &amp; Benefits</b>	<b>Indirect Overhead Labor</b>	<b>Service Contracts</b>	<b>Material &amp; Acquisition Contracts</b>	<b>Miscellaneous &amp; Other Direct Costs</b>	<b>Total Cost</b>
1	Engineering Design				\$20,000			\$20,000
2	Biological Consultation				\$8,000			\$8,000
3	Regulatory Permits and Consultation				\$20,000			\$20,000
4	Construction				\$182,000			\$182,000
5	Post-Project Monitoring & Reporting				\$49,000			\$49,000
	<b>Total Cost</b>							<b>\$279,000</b>
	<b>Total CALFED Funding Request (50%)</b>							<b>\$139,500</b>

### **Schedule Milestones**

The proposed schedule is as follows:

Engineering Design	11/1/98 - 3/31/99
Biological Consultation	11/1/98 - 3/31/99
Regulatory Permits and Consultation	11/1/98 - 3/31/99
Construction	4/1/99 - 4/30/99
Post-Project Monitoring & Reporting	4/30/99 - 11/31/02

### **Third Party Impacts**

There are no third party impacts associated with the proposed project.

### **III. Applicant Qualifications**

Consistent with Government Code §4525, Murray, Burns and Kienlen, Consulting Civil Engineers, was selected by Boeger Family Farms to provide engineering and financial services in connection with funding and construction of their fish screen project. The selection was made on the basis of qualifications and demonstrated competence for the requested services, including documentation of fair and reasonable prices.

MBK is a consulting civil engineering firm whose main emphasis is water resources. Its three main areas of specialization include water supply planning, flood control and water rights. MBK represents many water diverters located in the Sacramento/San Joaquin Delta watershed. This association has resulted in MBK personnel involvement in many existing and planned fish screening facilities. The services provided include feasibility design and environmental/regulatory. The list of projects includes Pelger Mutual Water Company, Deseret Farms Wilson Ranch, Maxwell Irrigation District, Lower Joice Island, Thousand Acre Ranch, Browns Valley Irrigation District and King Island.

**Gilbert Cosio, PE**, is a Principal Engineer with MBK. MBK's work in regard to fish screen facilities is performed under his supervision and management. His experience includes performance of all aspects of fish screen design and construction including topographic surveys, preliminary design and cost estimates, design plans, vendor and contractor coordination, construction inspection and performance monitoring. In addition, his fish screen expertise includes environmental and regulatory aspects such as environmental assessments, CEQA coordination and documentation, and coordination of with federal and state regulatory agencies.

Consistent with Government Code §4525, EA Engineering, Science, and Technology, Inc., was selected by Murray, Burns and Kienlen to provide environmental services in connection with project development, permit processing, and biological monitoring. The selection was made on the basis of qualifications and demonstrated competence for the requested services, including documentation of fair and reasonable prices.

EA Engineering, Science, and Technology, Inc., is a multidisciplinary environmental consulting firm with a staff of Northern California scientists who specialize in environmental analyses related to water resources. EA's staff have been conducting aquatic studies in the Sacramento River watershed, San Joaquin River watershed, and Delta for over 20 years, and have participated in fish screening studies for a variety of water diversion projects. EA's fish screening experience includes evaluation of screens and entrainment impacts associated with PG&E's power plants in the Delta, hydroelectric power plant diversions on the eastern and western Sierra Nevada, and agricultural diversions on the mainstem Sacramento River.

Pursuant to California Government Code §1090, EA Engineering, Science, and Technology, Inc. is disclosing a remote interest in proposals submitted for funding under CALFED's 1998 Category III program. EA staff, as third tier subcontractors to the Bureau of Reclamation, have

provided technical and administrative support to CALFED agency staff in the Restoration Coordination Program. In this capacity, EA staff have assisted with documentation of public meetings of the Ecosystem Roundtable, and compiled restoration project information for distribution to Roundtable members and the public. EA's legal counsel has determined that EA's participation as a subconsultant in contracts that may be awarded under the Category III program does not constitute a violation of California Government Code §1090.

**Scott Wilcox** of EA Engineering, Science, and Technology is a senior fisheries biologist whose role will involve technical oversight and management of tasks related to biological monitoring and environmental compliance. His areas of technical expertise include aquatic and terrestrial resource impact assessment, fish screen evaluation, and fisheries analyses in riverine and estuarine systems. His 18 years of experience includes biological investigations for approximately 30 projects within or tributary to the Central Valley and the Delta. Many of these projects involved planning of aquatic habitat restoration actions and characterization of fish populations and habitat conditions. Relevant project experience includes biological consultation, design, and monitoring plan development for fish screens on hydro projects; fish population sampling in riverine and estuarine systems; CEQA compliance for habitat restoration and mitigation projects; and TES species surveys. Professional references for similar projects include John Kessler (916-644-1960) of El Dorado Irrigation District and Steve Onken (530-534-1221) of Oroville-Wyandotte Irrigation District.

#### **IV. Compliance With Standard Terms and Conditions**

The terms and conditions of the contract with the Department of Interior are agreeable to Boeger Family Farms. As requested in the PSP, a completed Form DI-2010 and other necessary forms are attached.

## U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions -** The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions -** (See Appendix B of Subpart D of 43 CFR Part 12.)

**Certification Regarding Drug-Free Workplace Requirements -** Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

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**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions**

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*CHECK ☒ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE*

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

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*CHECK ☒ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE*

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DI-2010  
June 1996  
(This form replaces DI-1953, DI-1954,  
DI-1955, DI-1956 and DI-1957)

**PART C: Certification Regarding Drug-Free Workplace Requirements**

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

**Alternate I. (Grantees Other Than Individuals)**

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about—
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will —
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted —
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

**PART D: Certification Regarding Drug-Free Workplace Requirements**

CHECK ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

**Alternate II. (Grantees Who Are Individuals)**

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010  
June 1986  
(This form replaces DI-1953, DI-1954,  
DI-1955, DI-1956 and DI-1983)

**PART E: Certification Regarding Lobbying  
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

**CHECK ☒ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND  
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;  
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.**

**CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL  
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR  
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

  
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Matt Boeger - Partner

TYPED NAME AND TITLE

DATE 7/1/98

01-2010  
June 1999  
(TN) Supp. replaces 01-1052, 01-1054,  
01-1055, 01-1056 and 01-1057